



# City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

February 7, 2019

Mike Davis  
67640-11879262@requests.muckrock.com

*Sent Via Email*

RE: Freedom of Information Act ("FOIA") Request  
# 19-204 – LPD Retention Policies

Dear Mr. Davis:

In response to your Freedom of Information Act request referenced above, received by this office on January 22, 2019, your request is granted. Enclosed please find the responsive document. Please be advised that no charge is being assessed for this response. Please be further advised that despite repeated attempts for clarification, the production of records is based upon the title of the email "taser and body camera use and data retention policies" and not on the body of the email because the text of the email fails to list any public records requested.

Please note that the Lansing Police Department follows the retention schedules set forth by the Michigan State Police, whose policies are available at:  
[https://www.michigan.gov/msp/0,4643,7-123-1579\\_78902---,00.html](https://www.michigan.gov/msp/0,4643,7-123-1579_78902---,00.html).

Please be advised that the City has adopted Procedures and Guidelines and a Written Public Summary, both of which are available on the City's website at:

<https://www.lansingmi.gov/DocumentCenter/Home/View/618>

<https://www.lansingmi.gov/DocumentCenter/Home/View/415>

*Appeal of denial of records.* You are entitled under the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the President of City Council or to commence an action in the Circuit Court within 180 days after the City's final determination to deny a request, to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously

violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record.

*Appeal of excessive fee.* You are entitled under the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines to the President of City Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the President of City Council. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the City required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount.

If you have any further questions, please contact me at my office.

Sincerely,



Amanda O'Boyle  
Office of the City Attorney

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